

§ 319.37-2

7 CFR Ch. III (1-1-06 Edition)

excluding any articles regulated in 7 CFR 319.8 through 319.24-5 or 319.41 through 319.74-4.

*Secretary.* The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his/her stead has been or may hereafter be delegated.

*Soil.* The loose surface material of the earth in which plants, trees, and shrubs grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

*Solanum spp. true seed.* Seed produced by flowers of *Solanum* capable of germinating and producing new *Solanum* plants, as distinguished from *Solanum* tubers, whole or cut, that are referred to as *Solanum* seeds or seed potatoes.

*Spp. (species).* All species, clones, cultivars, strains, varieties, and hybrids, of a genus.

*State Plant Regulatory Official.* The official authorized by the State to sign

agreements with Federal agencies involving operations of the State plant protection agency.

*United States.* The States, District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

[45 FR 31585, May 13, 1980, as amended at 50 FR 8706, Mar. 5, 1985; 56 FR 19790, Apr. 30, 1991; 57 FR 43145, Sept. 18, 1992; 58 FR 38267, July 16, 1993; 60 FR 3077, Jan. 13, 1995; 60 FR 27674, May 25, 1995; 63 FR 13484, Mar. 20, 1998; 66 FR 21055, Apr. 27, 2001; 69 FR 21946, Apr. 23, 2004; 69 FR 61586, Oct. 20, 2004]

**§ 319.37-2 Prohibited articles.**

(a) The following listed articles from the designated countries and localities are prohibited articles and are prohibited from being imported or offered for entry into the United States except as provided in paragraph (c) of this section.

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>Abelmoschus</i> spp. (okra) .....	Africa .....	Cotton leaf curl agent.
	Brazil .....	Cotton Anthocyanosis agent.
	Bangladesh, India, Sri Lanka .....	Bhendi yellow vein mosaic agent.
	Cote d'Ivoire, Nigeria .....	Okra mosaic virus.
	Iraq .....	Okra yellow leaf curl agent.
	Papua New Guinea, Trinidad and Tobago .....	Okra mosaic agents.
<i>Abies</i> spp. (fir) .....	All except Canada .....	50 or more species of rusts including <i>Chrysomyxa abietis</i> (Wallr.) Ung. (a rust causing a serious needle disease); <i>Phacidiopycnis pseudotsuga</i> (M. Wils.) Hahn (Douglas fir canker).
<i>Acacia</i> spp. (acacia) .....	Australia and Oceania .....	<i>Uromycladium tepperianum</i> (Sacc.) McAlp. (Rust).
<i>Acer</i> spp. (maple) (except <i>Acer palmatum</i> and <i>Acer japonicum</i> meeting the conditions for importation in § 319.37–5(m)).	Japan .....	<i>Xanthomonas acernea</i> (Ogawa) Burk.
	Europe, Japan .....	Maple mosaic or variegation diseases.
<i>Actinidia</i> spp. (Chinese gooseberry, kiwi)..	Japan and Taiwan .....	<i>Pucciniastrum actinidiae</i> Hiratusuka (Rust).
<i>Adonia</i> spp .....	All .....	A diversity of diseases including, but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Aesculus</i> spp. (horsechestnut) .....	Czech Republic, Germany, Romania, Slovakia, United Kingdom.	Horsechestnut variegation or yellow mosaic diseases.
<i>Aiphanes</i> spp. (coyure, ruffle, and spine palm).	All .....	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Allagoptera arenaria</i> .....	All .....	A diversity of diseases including, but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Althaea</i> spp. (althaea, hollyhock)	Africa .....	Cotton leaf curl agent.
	Bangladesh, India, Sri Lanka .....	Bhendi yellow vein mosaic agent.
<i>Arachis</i> spp. (peanut) seed only (all other <i>Arachis</i> articles are included under Fabaceae).	India, Indonesia, Japan, People's Republic of China, Philippines, Taiwan, Thailand.	Peanut stripe virus.
	Burkina Faso, Cote d'Ivoire, Senegal India .....	Peanut clump virus. Indian peanut clump virus.
<i>Areca</i> spp .....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Arenga</i> spp. (sugarpalm) .....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Arikuryroba</i> spp. (arikury palm) ....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
Articles listed in § 319.37–2(b) .....	All except Canada .....	A diversity of diseases, insects, and other pests, including but not limited to: <i>Cactoblastis cactorum</i> (Berg); <i>Metamasius</i> spp.; <i>Opogona sacchari</i> (Bojer); <i>Chrysomyxa himalensis</i> Barclay (Spruce needle rust); <i>Aecidium mori</i> Barclay (Mulberry rust); <i>Pseudomonas lignicola</i> Westerd. & Buis. (Bacterial stain); <i>Pucciniastrum areolatum</i> (Fr.) Otth. (Cherry-spruce rust).
Bambuseae (seeds, plants, and cuttings).	All .....	Various plant diseases, Including bamboo smut ( <i>Ustilago shiraiana</i> )

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>Berberis</i> spp. (barberry) (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with § 301.38–1 of this chapter).	All .....	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Berberis</i> spp. (barberry) destined to an eradication State listed in § 301.38–2a of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38–1 of this chapter).	All .....	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Berberis</i> spp. (barberry) seed .....	All .....	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Blighia sapida</i> (akee) .....	Cote d'Ivoire, Nigeria .....	Okra mosaic virus.
<i>Borassus</i> spp. (palmyra palm) .....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Brugmansia</i> spp. ....	Colombia .....	Datura Columbia virus.
<i>Caryota</i> spp. (fishtail palm) .....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Castanea</i> spp. (chestnut) .....	All .....	<i>Cryphonectria parasitica</i> (Murrill) Barr (chestnut blight); <i>Dryocosmus kuriphilus</i> Yasumatsu (gall wasp).
<i>Cedrus</i> spp. (cedar) .....	Europe .....	<i>Phaciopitycnis pseudotsuga</i> (M. Wils.) Hahn (Douglas fir canker). <i>Fusarium fuliginosporum</i> Sibilis (Seedling disease).
<i>Chaenomeles</i> spp. (flowering quince) not meeting the conditions for importation in § 319.37–5(b).	All .....	A diversity of diseases including but not limited to those listed for <i>Chaenomeles</i> in § 319.37–5(b)(1).
<i>Chrysaliocarpus</i> spp. (butterfly palm).	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Chrysanthemum</i> spp. (chrysanthemum).	Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.	<i>Puccinia horiana</i> P. Henn. (white rust of chrysanthemum).
<i>Cocos</i> spp. (other than <i>Cocos nucifera</i> ).	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Cocos nucifera</i> (coconut) (including seed) (Coconut seed without husk or without milk may be imported into the United States in accordance with § 319.56).	All except from Jamaica or Costa Rica if meeting the conditions for importation in § 319.37–5(g).	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Corypha</i> spp. ....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Crocasmia</i> spp. (montebretia) .....	Africa .....	<i>Puccinia mcleanii</i> Doidge (rust), <i>Uredo gladioli-buettneri</i> Bub. (rust), <i>Uromyces gladioli</i> P. Henn. (rust), <i>U. nyikensis</i> Syd. (rust).
	Argentina, Uruguay .....	<i>U. gladioli</i> P. Henn. (rust).

<i>Crocasmia</i> spp. (montebretia), except bulbs in commercial shipments.	Africa, Brazil, France, Italy, Malta, Mauritius, Portugal .....	<i>U. transversalis</i> (Thuem.) Wint. (rust).
<i>Cydonia</i> spp. (quince) not meeting the conditions for importation in §319.37–5(b).	All .....	A diversity of diseases including but not limited to those listed for <i>Cydonia</i> in §319.37–5(b)(1).
<i>Datura</i> spp. ....	India .....	<i>Datura</i> distortion or enation mosaic virus.
<i>Datura</i> spp. (woody species) .....	(See <i>Brugmansia</i> spp.).	
<i>Dendranthema</i> spp. (chrysanthemum).	Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.	<i>Puccinia horiana</i> P. Henn. (white rust of chrysanthemum).
<i>Dictyosperma</i> spp. (Princesspalm)	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Elaeis</i> spp. (oil palm) .....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Erianthus</i> spp. (plumegrass) .....	All .....	<i>Puccinia melanocephala</i> H. Syd. & P. Syd. (Sugarcane rust).
<i>Eucalyptus</i> spp. (eucalyptus) .....	Europe, Sri Lanka, and Uruguay .....	<i>Pestalotia disseminata</i> Thuem. (parasitic leaf fungus).
<i>Euonymus</i> spp. (euonymus) .....	Europe, Japan .....	<i>Euonymus</i> mosaic diseases.
Fabaceae (=Leguminosae) (herbaceous spp. only).	All except Canada .....	A diversity of diseases including but not limited to: African soybean dwarf agent, alfalfa enation virus, azuki bean mosaic virus, bean golden mosaic virus, cowpea mild mottle virus, French bean mosaic virus, groundnut chlorotic leaf streak virus, groundnut chlorotic spotting virus, groundnut rosette agents, groundnut witches broom MLO, horsegram yellow mosaic virus, Indonesian soybean dwarf virus, lima bean mosaic virus, lucerne Australian symptomless virus, lucerne vein yellowing virus, mung bean yellow mosaic virus, peanut stripe virus, red clover mottle virus, and soybean dwarf virus.
<i>Fragaria</i> spp. (strawberry) not meeting the conditions for importation in §319.37–5(h).	All except Canada .....	<i>Phytophthora fragariae</i> Hickman (Red stele disease).
<i>Fraxinus</i> spp. (ash) .....	Europe .....	<i>Pseudomonas savastanoi</i> var. <i>fraxini</i> (Brown) Dowson (Canker and dwarfing disease of ash).
<i>Gaussia</i> spp. (Ilumepalm) .....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Gladiolus</i> spp. (gladiolus) .....	Africa .....	<i>Puccinia mcleanii</i> Doidge (rust), <i>Uredo gladioli-buettneri</i> Bub. (rust), <i>Uromyces gladioli</i> P. Henn. (rust), <i>U. nyikensis</i> Syd. (rust).
<i>Gladiolus</i> spp. (gladiolus), except bulbs in commercial shipments.	Argentina, Uruguay .....	<i>U. gladioli</i> P. Henn. (rust).
<i>Gossypium</i> spp. (cotton, cottontree).	Africa, Brazil, France, Italy, Malta, Mauritius, Portugal .....	<i>U. transversalis</i> (Thuem.) Wint. (rust).
<i>Hibiscus</i> spp. (kenaf, hibiscus, rose mallow).	All .....	A diversity of diseases including but not limited to: cotton leaf curl virus; cotton virescence agent; small leaf virus.
	Africa .....	Cotton leaf curl agent.
	Brazil .....	Cotton anthocyanosis agent.
	India .....	Hibiscus leaf curl agent.
<i>Howea</i> spp. (sentry palm) not meeting the conditions in §319.37–5(n).	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Hydrangea</i> spp. (hydrangea) .....	Japan .....	<i>Aecidium hydrangeae-paniculatea</i> Dietel.

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>Hyophorbe</i> spp. (palm) .....	All .....	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Ipomoea</i> spp. (sweetpotato) .....	All except Canada .....	A diversity of diseases including but not limited to: sweetpotato witches broom (little leaf); and sweetpotato viruses of eastern Africa.
<i>Jasminum</i> spp. (jasmine) .....	Belgium, Germany, Great Britain .....	Jasmine variegation diseases.
	India .....	Chlorotic ringspot, phyllody, yellow ring mosaic diseases.
	Philippines .....	Sampaguita yellow ringspot mosaic diseases.
<i>Juniperus</i> spp. (juniper) .....	Austria, Finland, and Romania .....	<i>Stigmata deflexans</i> (Karst) Ellis (Needlecast disease).
	Europe .....	<i>Phacidiopycnis pseudotsuga</i> (M. Wils.) Hahn (Douglas fir canker).
<i>Larix</i> spp. (larch) .....	Provinces of New Brunswick and Nova Scotia in Canada, Europe, and Japan.	<i>Lachnellula willkommii</i> (Hartig) Dennis (European larch canker).
	Europe .....	<i>Phacidiopycnis pseudotsuga</i> (M. Wils.) Hahn (Douglas fir canker).
<i>Latania</i> spp. ....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Leersia</i> spp. (cutgrass) seed only (all other <i>Leersia</i> articles are included under <i>Poaceae</i> ).	All .....	<i>Xanthomonas campestris</i> pv. <i>oryzae</i> (Ishiyama) Dye.
<i>Lens</i> spp. seed (lentil) .....	South America .....	<i>Uromyces viciae-fabae</i> (Pers.) Schroet. (Rust).
<i>Leptochloa</i> spp. (sprangletop) seed only (all other <i>Leptochloa</i> articles are included under <i>Poaceae</i> ).	All .....	<i>Xanthomonas campestris</i> pv. <i>oryzae</i> (Ishiyama) Dye.
<i>Leucanthemella serotina</i> .....	Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° east longitude.	<i>Puccinia horiana</i> P. Henn. (white rust of chrysanthemum).
<i>Ligustrum</i> spp. (privet) .....	Europe .....	<i>Ligustrum</i> mosaic diseases.
<i>Livistona</i> spp. (fan palm) .....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Mahoberberis</i> spp. (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All .....	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Mahoberberis</i> spp. destined to an eradication State listed in § 301.38-2(a) of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All .....	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Mahoberberis</i> spp. seed .....	All .....	<i>Puccinia graminis</i> Pers. (Black stem rust).

<i>Mahonia</i> spp. (mahonia) (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with § 301.38–1 of this chapter).	All .....	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Mahonia</i> spp. (mahonia) destined to an eradication State listed in § 301.38–2(a) of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38–1 of this chapter).	All .....	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Mahonia</i> spp. seed .....	All .....	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Malus</i> spp. (apple, crabapple) not meeting the conditions for importation in § 319.37–5(b).	All .....	A diversity of diseases including but not limited to those listed for <i>Malus</i> in § 319.37–5(b)(1).
<i>Mangifera</i> spp. (mango) seed only. (Prohibition not applicable to seeds imported into Guam, Hawaii, and the Northern Mariana Islands).	All except Guimaras Island (Republic of the Philippines) and North and South America (excluding Barbados, the British Virgin Islands, Dominica, French Guiana, Grenada, Guadeloupe, Martinique, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago).	<i>Sternochetus mangiferae</i> F. (mango seed weevil).
<i>Manihot</i> spp. (cassava) .....	All except Canada .....	A diversity of diseases, insects, and other pests including but not limited to: <i>Mononychellus tanajoa</i> (Bondar) (cassava mite); <i>Phenococcus manihoti</i> Matile-Ferrero (cassava mealybug); <i>Xanthomonas manihoti</i> (Arthand-Berthet) Starr (Bacterial blight); Cassava brown streak virus; Cassava latent virus; Cassava African mosaic virus; Cassava common mosaic virus.
<i>Mascarena</i> spp. ....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Morus</i> spp. (mulberry) .....	India, Japan, Korea, People's Republic of China, Thailand, and the geographic area formerly known as the Union of Soviet Socialist Republics.	Mulberry dwarf or mulberry mosaic diseases.
<i>Nannorrhops</i> spp. (mazaripalm) ...	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Neodypsis</i> spp. (palm) .....	All .....	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Nipponanthemum nipponicum</i> .....	Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° east longitude.	<i>Puccinia horiana</i> P. Henn. (white rust of chrysanthemum).
<i>Pelargonium</i> spp. not meeting the conditions for importation in § 319.37–5(r).	All .....	Potato brown rot ( <i>Ralstonia solanacearum</i> race 3 biovar 2).
<i>Persea</i> spp. (avocado) seed .....	Central and South America, and Mexico .....	<i>Heilipus lauri</i> Boh. (Avocado weevil); <i>Stenomoma catenifer</i> Wals. (Avocado seed moth); <i>Conotrachelus</i> spp.
<i>Philadelphus</i> spp. (mock orange)	Europe .....	Elm mottle virus.
<i>Phoenix</i> spp. (date) .....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>Picea</i> spp. (spruce) .....	Europe, Japan, and Siberia .....	<i>Chrysomyxa ledi</i> (Alb. & Schw.) d By var. <i>rhododendri</i> (DC) Savile. (Rhododendron-spruce needle rust).
<i>Pinus</i> spp. (pine) (2- or 3-leaved) .....	Europe. .... Europe and Japan .....	<i>Phacidiopycnis pseudotsuga</i> (M. Wils.) Hahn (Douglas fir canker). <i>Cronartium flaccidum</i> (Alb. & Schw.) Wint. (Rust causing serious stunting of hard pines.)
<i>Poaceae</i> (vegetative parts of all grains and grasses, except species of Bambuseae).	Japan. .... All except Canada .....	Gall-forming rust. A wide diversity of plant diseases, including but not limited to: banana streak virus, barley yellow mosaic virus, barley yellow striate mosaic virus, brome streak mosaic virus, cereal chlorotic mosaic virus, cocksfoot mild mosaic virus, corn stunt Spiroplasma, Cynodon chlorotic streak virus, cynosurus mottle virus, Echinochloa ragged stunt virus, European aster yellows MLO, European wheat striate mosaic virus, Iranian maize mosaic virus, maize bushy stunt MLO, maize chlorotic mottle virus, maize mosaic virus, maize mottle/chlorotic stunt virus, maize rough dwarf virus, maize streak virus, maize stripe virus, northern cereal mosaic virus, oat red streak mosaic virus, oat sterile dwarf virus, rice dwarf virus, rice gall dwarf virus, rice tungro virus, rice wilted stunt virus, rice yellow mottle virus, rice yellow dwarf agent, yellow dwarf agent, sugarcane white leaf MLO, wheat yellow leaf virus, and wheat yellowing stripe bacterium.
<i>Populus</i> spp. (aspen, cottonwood, poplar).	Europe .....	<i>Xanthomonas populi</i> Ride (Canker).
<i>Pritchardia</i> spp. ....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Prunus</i> spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune) not meeting the conditions for importation in § 319.37–5(b).	All .....	A diversity of diseases including but not limited to those listed for <i>Prunus</i> in § 319.37–5(b)(1).
<i>Prunus</i> spp. seed only (almond, apricot, nectarine, peach, plum, and prune, but not species in subgenus <i>Cerasus</i> ) not meeting the conditions for importation in § 319.37–5(j).	All .....	Plum pox (Sharka) virus.
<i>Pseudolarix</i> spp. (golden larch) ....	Provinces of New Brunswick and Nova Scotia in Canada, Europe, and Japan.	<i>Lachnellula willkommii</i> (Hartig) Dennis (European larch canker).
<i>Pseudotsuga</i> spp. (Douglas fir) ....	Europe .....	<i>Phacidiopycnis pseudotsuga</i> (M. Wils.) Hahn (Douglas fir canker).
<i>Pyrus</i> spp. (pear) not meeting the conditions for importation in § 319.37–5(b).	All .....	A diversity of diseases including but not limited to those listed for <i>Pyrus</i> in § 319.37–5(b)(1).
<i>Quercus</i> spp. (oak) .....	Japan .....	<i>Stereum hiugense</i> Imazeki (White rot); a gall-forming rust.
<i>Ravenea</i> spp. (palm) .....	All .....	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Ribes</i> spp. (currant, gooseberry) ..	Europe and New Zealand .....	Black currant reversion agent.
<i>Rosa</i> spp. (rose) .....	Australia, Bulgaria, Italy, and New Zealand .....	Rose wilt virus.
<i>Salix</i> spp. (willow) .....	Belgium, Germany, Great Britain, Japan, and the Netherlands	<i>Erwinia salicis</i> (Day) Chester (Watermark disease).

Seeds of all kinds when in pulp ...	All except Canada .....	Fruit flies, or other injurious insects.
<i>Solanum</i> spp. (potato) (tuber bearing species only—Section Tuberarium), including potato tubers.	All except Canada (except Newfoundland and that portion of the Municipality of Central Saanich in the Province of British Columbia east of the West Saanich Road)..	Andean potato latent virus; Andean potato mottle virus; potato mop top virus; dulcamara mottle virus; tomato blackring virus; tobacco rattle virus; potato virus Y (tobacco vein necrosis strain); potato purple top wilt agent; potato marginal flavescence agent; potato purple top roll agent; potato witches broom agent; stolbur agent; parastolbur agent; potato leaflet stunt agent; potato spindle tuber viroid; arracacha virus B; potato yellowing virus.
<i>Solanum</i> spp. true seed (tuber bearing species only—Section Tuberarium).	All except Canada, New Zealand, and the X region of Chile (that area of Chile between 39° and 44° South latitude—see § 319.37–5(o)).	Andean potato latent virus, potato virus T, tobacco ringspot virus (Andean potato calico strain); arracacha virus B; potato yellowing virus.
<i>Solanum</i> spp. not meeting the conditions for importation in § 319.37–5(r).	All .....	Potato brown rot ( <i>Ralstonia solanacearum</i> race 3 biovar 2).
<i>Sorbus</i> spp. (mountain ash) .....	Czech Republic, Denmark, Germany, Slovakia .....	Mountain ash variegation or ringspot mosaic disease.
<i>Syringa</i> spp. (lilac) not meeting the conditions for importation in § 319.37–5(i).	Europe .....	Elm mottle virus.
<i>Theobroma</i> spp. (cacao) .....	All .....	A diversity of diseases and pests including but not limited to: cocoa swollen shoot virus, cocoa mottle leaf virus, cocoa yellow mosaic virus, cocoa necrosis virus, <i>Crinipellis perniciososa</i> (Stahel) Singer (witches broom fungus), <i>Monilia roleri</i> — <i>Moniliophthora rorei</i> (CiF.) H.C. Evans <i>et al.</i> (watery pod rot), cocoa isolates of <i>Ceratocystis fimbriata</i> Ellis and Halst (wilts), <i>Trachysphaera fructigena</i> Tabor and Bunting (mealy pod agents of cushy gall disease), <i>Oncobasidium theobromae</i> Talbot and Keane (vascular streak die-back), <i>Xyleborus</i> spp. beetles and <i>Acrocercops cramella</i> (Snellen) (cocoa moth).
<i>Trachycarpus</i> spp. (windmill palm)	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Ulmus</i> spp. (elm) (including seeds).	Europe .....	Elm mottle virus.
<i>Veitchia</i> spp. ....	All .....	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Vitis</i> spp. (grape) not meeting the conditions for importation in § 319.37–5(b).	All .....	A diversity of diseases including but not limited to those specified for <i>Vitis</i> in § 319.37–5(b)(1).
<i>Watsonia</i> spp. (bugle lily) .....	Africa .....	<i>Puccinia mcleanii</i> Doidge (rust), <i>Uredo gladioli-buettneri</i> Bub. (rust), <i>Uromyces gladioli</i> P. Henn. (rust), <i>U. nyikensis</i> Syd. (rust).
<i>Watsonia</i> spp. (bugle lily), except bulbs in commercial shipments.	Argentina, Uruguay .....	<i>U. gladioli</i> P. Henn. (rust).
	Africa, Brazil, France, Italy, Malta, Mauritius, Portugal .....	<i>U. transversalis</i> (Thuem.) Wint. (rust).
<i>Zizania</i> spp. (wild rice) seed only (all other <i>Zizania</i> articles are included under Poaceae).	All except Canada .....	<i>Xanthomonas campestris</i> pv. <i>oryzae</i> (Ishiyama) Dye.



(b) The following listed articles from all foreign places except Canada are prohibited articles and are prohibited from being imported or offered for entry into the United States except as provided in paragraph (c) of this section:

(1) *Rhododendron* spp. (rhododendron and azalea) or other genera or species of similar slow growth habit, other than artificially dwarfed plants meeting the conditions in §319.37-5(q):

(i) Exceeding 3 years of age if grown from seeds or cuttings; or

(ii) Exceeding 2 years of age after severance from the parent plant if produced by layers; or

(iii) Having more than 3 years' growth from the bud or graft if produced by budding or grafting.

(2) Any naturally dwarf or miniature form of tree or shrub exceeding 305 millimeters (approximately 12 inches) in length from the soil line.

(3) Herbaceous perennials (except epiphytes) imported in the form of root crowns or clumps exceeding 102 millimeters (approximately 4 inches) in diameter.

(4) Stem cuttings without leaves, without roots, without sprouts, and without branches (other than cactus cuttings and cuttings of epiphytes) exceeding 102 millimeters (approximately 4 inches) in diameter or exceeding 1.83 meters (approximately 6 feet) in length; and stem cuttings of epiphytes with or without aerial roots (without leaves, without sprouts, and without branches) exceeding 102 millimeters (approximately 4 inches) in diameter or exceeding 1.83 meters (approximately 6 feet) in length.

(5) Cactus cuttings (without roots or branches) exceeding 153 millimeters (approximately 6 inches) in diameter or exceeding 1.22 meters (approximately 4 feet) in length.

(6)(i) Plants (other than stem cuttings, cactus cuttings, artificially dwarfed plants meeting the conditions in §319.37-5(q), and palms and plants whose growth habits simulate palms) exceeding 460 millimeters (approximately 18 inches) in length from soil line (top of rooting zone for plants produced by air layering) to the farthest terminal growing point and whose growth habits simulate the woody hab-

its of trees and shrubs, including but not limited to cacti, cycads, yuccas, and dracaenas.

(ii) Palms and plants whose growth habits simulate palms, that exceed a total length (stem plus leaves) of 915 millimeters (approximately 36 inches) in length.

(7) Any tree or shrub of a type not listed above, other than an artificially dwarf plant meeting the conditions in §319.37-5(q), and:

(i) Exceeding 2 years of age if grown from seeds or cuttings; or

(ii) Exceeding 1 year of age after severance from the parent plant if produced by layers; or

(iii) Having more than 2 years' growth from the bud or graft if produced by budding or grafting.

(c) Any article listed as a prohibited article in paragraph (a) or (b) of this section may be imported or offered for entry into the United States if:

(1) Imported by the United States Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705 or at a port of entry designated by an asterisk in §319.37-14(b);

(3) Imported pursuant to a Departmental permit issued for such article and kept on file at the port of entry;

(4) Imported under conditions specified on the Departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of plant pests, i.e., conditions of treatment, processing, growing, shipment, disposal; and

(5) Imported with a Departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a Departmental permit number corresponding

to the number of the Departmental permit issued for such article.

[45 FR 31585, May 13, 1980; 45 FR 35305, May 27, 1980, as amended at 56 FR 19790, Apr. 30, 1991; 57 FR 334, Jan. 6, 1992; 57 FR 43145, 43147, 43148, Sept. 18, 1992; 59 FR 9918, Mar. 2 1994; 59 FR 44610, Aug. 30, 1994; 60 FR 8924, Feb. 16, 1995; 62 FR 50238, Sept. 25, 1997; 63 FR 13485, Mar. 20, 1998; 67 FR 53730, Aug. 19, 2002; 68 FR 28118, May 23, 2003; 68 FR 50043, Aug. 20, 2003]

### § 319.37-3 Permits.

(a) The restricted articles (other than articles for food, analytical, medicinal, or manufacturing purposes) in any of the following categories may be imported or offered for importation into the United States only after issuance of a written permit by the Plant Protection and Quarantine Programs:

(1) Articles subject to treatment and other requirements of § 319.37-6;

(2) Articles subject to the postentry quarantine conditions of § 319.37-7;

(3) Bulbs of *Allium sativum* spp. (garlic), *Crocasmia* spp. (montebretia), *Glad-iolus* spp. (gladiolus), and *Watsonia* spp. (bugle lily) from New Zealand;

(4) Articles of *Cocos nucifera* (coco-nut); and articles (except seeds) of *Dianthus* spp. (carnation, sweet-william) from any country or locality except Canada;

(5) Lots of 13 or more articles (other than seeds, bulbs, or sterile cultures of orchid plants) from any country or locality except Canada;

(6) Seeds of trees or shrubs from any country or locality except Canada;

(7) Articles (except seeds) of *Malus* spp. (apple, crabapple), *Pyrus* spp. (pear), *Prunus* spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune), *Cydonia* spp. (quince), *Chaenomeles* spp. (flowering quince), and *Rubus* spp. (cloudberry, blackberry, boysenberry, dewberry, loganberry, raspberry), from Canada;

(8) Articles (except seeds) of *Castanea* spp. (chestnut) or *Castanopsis* spp. (chinquapin) destined to California or Oregon;

(9) Articles (except seeds) of *Pinus* spp. (pine), (5-leaved) destined to Wisconsin;

(10) Articles of *Ribes* spp. (currant, gooseberry), (including seeds) destined to Massachusetts, New York, West Virginia, or Wisconsin;

(11) Articles (except seeds) of *Planera* spp. (water elm, planer) or *Zelkova* spp. from Europe, Canada, St. Pierre Island, or Miquelon Island and destined to California, Nevada, or Oregon;

(12) Seeds of *Prunus* spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune) from Canada and destined to Colorado, Michigan, New York, Washington, or West Virginia;

(13) Articles (except seeds) of *Vitis* spp. (grape) from Canada and destined to California, New York, Ohio, Oregon, and Washington;

(14) Articles (except seeds) of *Corylus* spp. (filbert, hazel, hazelnut, cobnut) from provinces east of Manitoba in Canada and destined to Oregon or Washington;

(15) Articles (except seeds) of *Pinus* spp. (pine) from Canada;

(16) Articles (except seeds) of *Ulmus* spp. (elm) from Canada and destined to California, Nevada, or Oregon.

(17) *Solanum tuberosum* true seed from New Zealand and the X Region of Chile (that area of Chile between 39° and 44° South latitude—see § 319.37-5(o)).

(b) An application for a written permit should be submitted to the Plant Protection and Quarantine Programs (Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236) at least 30 days prior to arrival of the article at the port of entry. The completed application shall include the following information:<sup>4</sup>

(1) Name, address, and telephone number of the importer;

(2) Approximate quantity and kinds (botanical designations) of articles intended to be imported;

(3) Country(ies) or locality(ies) where grown;

(4) Intended United States port of entry;

<sup>4</sup>Application forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236, local offices which are listed in telephone directories.